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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

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11 JOHN GARRETT SMITH,

12 Plaintiff,

13 v.

14 SANDRA ALDRIDGE, et al.,

15 Defendant.

CASE NO. 3:19-cv-05600

ORDER ADOPTING REPORT AND  
RECOMMENDATION

16 THIS MATTER comes before the Court on the Report and Recommendation of U.S.  
17 Magistrate Judge J. Richard Creatura (Dkt. 106) recommending summary judgment in favor of  
18 Defendant Anthony Golik and dismissal of Plaintiff's remaining claims for failure to serve the  
19 remaining defendants in the more than one year since filing the complaint. The Court has  
20 considered the Report and Recommendation, Plaintiff's Objections to the Report and  
21 Recommendation (Dkt. 109), Defendant Golik's underlying Motion for Summary Judgment  
22 (Dkt. 91), and the Court's warnings about the possibility of dismissal for failure to serve the  
23 complaint and summons (Dkts. 17; 19; 20).

Plaintiff, John Garrett Smith, does not raise substantive objections to the Report and Recommendation's findings on the motion for summary judgment. Plaintiff instead claims the "Court is covering for criminal liars," and makes other conclusory allegations. However, Plaintiff makes a serious objection to the recommendation to dismiss the remaining claims because of his failure to serve Defendants in over a year since filing the complaint. Plaintiff alleges that he has not been able to serve the remaining Defendants because they "shot at, bullied, harassed and intimidated innocent US citizens in belligerent obstruction of justice." Dkt. 109 at 3.

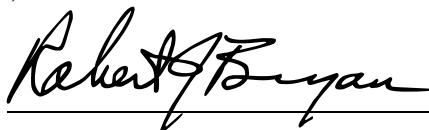
While failure to complete service in 90 days, as required by Fed. R. Civ. P. 4(m), may be excused under some circumstances, Plaintiff does not provide any evidence to substantiate these very serious allegations. The Report and Recommendation (Dkt. 106) should be adopted, the claims against Defendant Anthony Golik and the remaining Defendants should be dismissed, and the case should be closed.

**IT IS SO ORDERED:**

- The Report and Recommendation of U.S. Magistrate Judge J. Richard Creatura (Dkt. 106) is **ADOPTED**;
- Plaintiff's remaining claims are **DISMISSED**;
- This matter is **CLOSED**.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 15<sup>th</sup> day of October, 2020.



ROBERT J. BRYAN  
United States District Judge